

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

EDDIE A. JAMES,

Defendant.

21-CR-141-LJV-HKS
DECISION & ORDER

The defendant, Eddie A. James, was charged in an indictment with distributing cocaine and possessing cocaine with intent to distribute it (Counts 1-3); possessing cocaine with intent to distribute it (Count 4); maintaining a drug-involved premises (Count 5); possessing a firearm in furtherance of a drug trafficking crime (Count 6); and possessing a firearm and ammunition after he was convicted of a felony (Count 7). Docket Item 1. This Court then referred this case to United States Magistrate Judge H. Kenneth Schroeder, Jr., for all proceedings under 28 U.S.C. § 636(b)(1)(B) or (A) and (B). Docket Item 3.

James filed a motion for omnibus discovery and to suppress evidence. Docket Item 51. The government then responded, Docket Item 60, and James replied, Docket Item 63. After hearing oral argument, Judge Schroeder issued a Report, Recommendation, and Order ("RR&O") ruling on the discovery motions and recommending that this Court deny James's motion to suppress. Docket Item 77.

James requested, and this Court granted, two extensions of time to object to the RR&O. Docket Items 78 (motion), 79 (text order), 80 (motion), 81 (text order). This Court then held a status conference, during which James's attorney represented that he had recently taken over the case and needed time to get up to speed and engage in

plea negotiations. Docket Item 85. James subsequently filed two additional motions for extensions of time, which this Court granted. Docket Items 86 (motion), 87 (text order), 90 (motion), 91 (text order). This Court's most recent order extended James's deadline to object until February 15, 2024. Docket Item 91.

James did not object to the RR&O, and the time to do so has now expired. For that reason, James has waived his right to have the RR&O reviewed. See Fed. R. Crim. P. 59(b)(2) ("Failure to object in accordance with this rule waives a party's right to review.").

Nevertheless, in its discretion, this Court has reviewed the RR&O as well as the parties' submissions to Judge Schroeder in connection with the motions to suppress. Based on that review and the absence of any objection, and for the reasons stated in the RR&O, this Court adopts the RR&O in its entirety. James's motion to suppress, Docket Item 51, is DENIED.

SO ORDERED.

Dated: March 14, 2024
Buffalo, New York

/s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE